

### **REMARKS**

This application has been carefully considered in connection with the Final Office Action dated October 17, 2008. Reconsideration and allowance are respectfully requested in view of the following.

#### **Summary of Rejections**

Claims 1-17 were pending at the time of the Final Office Action.

Claims 2, 3, 6, 7, 9, and 11 were rejected under 35 U.S.C. § 112.

Claims 1-17 were rejected under 35 U.S.C. § 103.

#### **Summary of Response**

Claims 3, 5, 7 and 11 are currently amended herein.

Claims 2, 4, 6, 9, 10, 12, 14, 15, and 17 remain as originally submitted.

Claims 1, 8, 13, and 16 were previously presented.

Claims 18-37 were previously canceled.

The specification has been amended.

Remarks and Arguments are provided below.

#### **Summary of Claims Pending**

Claims 1-17 are currently pending following this response.

**Specification**

The specification has been amended. Specifically, paragraph 39 has been amended to incorporate elements disclosed by the claims as originally submitted into the specification of the pending application in order to address concerns expressed in the Final Office Action and to expedite prosecution. This amendment is respectfully submitted not to introduce new matter, and is offered for clarification purposes only.

**Response to Rejections**

Knudson and Swanke do not provide an Enterprise Application Integration process that facilitates the integration of workflow management processes throughout an enterprise, or a software portal through which data related to a software development project can be gathered, displayed, managed, and disseminated. More particularly, Knudson and Swanke do not disclose, teach, or suggest use of a software portal that facilitates project development within an enterprise, whereby the portal includes provisions for directly notifying end users about project events as they occur, using email, or other messaging technologies. For example, Knudson and Swanke do not teach or suggest use of a software portal that can determine an end of a phase of the project development process, and upon completion of that phase, automatically sends a message to the personnel responsible for completing the next activity in the process and inform the personnel that the next activity can begin. Furthermore, neither Knudson nor Swanke teach or suggest use of a software portal that can determine the start and end dates for the next phase in a project development process and automatically update a process schedule with the start and end dates for the next phase. Such features enable the portal to monitor the progress and also drive the activities of the project development process involved.

The pending application discloses a system and method for managing a project development process in an enterprise, and an Enterprise Development Process (EDP) portal or software tool that facilitates the integration of enterprise architectures. The EDP portal provides consistent checkpoints throughout a project development process that allow significant events in the process to occur in a predictable, scheduled manner. More particularly, the portal is a web-based software application that supports a process-based, activity-based management model of software development by providing an organization-wide, standardized means of collecting, managing, and reporting on work flowing through the software development process. The portal enables all parties associated with a project to determine its status and allows information about a project to be documented from its inception. Thus, the disclosed EDP portal provides a common touch-point for collecting and managing project information, and a vehicle for collaboratively planning, managing, and executing a project and distributing up-to-date project information in real-time, without requiring additional post-processing or analysis.

Knudson is directed to a dynamic project management system that automatically tracks and controls project tasks in accordance with various project schedules. The project management system includes a server network and a master database. The network is configured to identify a personnel resource pool including users. The system uses a project planning tool to execute a project plan, which includes tasks to be performed by the users in accordance with certain time schedules. The network translates the project plan into the master database and generates an assignments table, including a list of project tasks that are assigned to be completed by each of the users. Time sheets are periodically prepared in the master database from the assignments table and include a list of the project tasks assigned to a respective user and a time period record for recording time entries. The system feeds the actual time expended in performing the tasks back to

the project plan to allow completion of the tasks in accordance with the time schedules. Notably, although Knudson is directed to a dynamic project management system, Knudson does not teach or suggest a software portal or method for project development within an enterprise, which notifies an individual with responsibility for the next phase of a project development process, upon completion of the previous phase, by automatically sending a message to the individual informing the individual that the next phase can begin, as claimed. Furthermore, Knudson does not teach or suggest a software portal or method for project development that determines a start date and end date for the next phase in the project development process, and automatically updates a schedule of the process with the start date and the end date for the next phase, as claimed.

Swanke is directed to a system and method for planning a design project, coordinating project resources and tools, and monitoring the project process. Swanke identifies tasks that must be finished to complete the design project based on design data, assigns tasks to a plurality of resources, and prioritizes the tasks based on dependency between the tasks to create a project plan. Swanke stores the project plan and the design data in a database, and automatically notifies the resources of corresponding task responsibilities and associated due dates based on the project plan through the use of encryption keys. Thus, Swanke controls access to the design data with the encryption keys assigned to the resources involved. Swanke also automatically monitors the work being performed on the tasks through a computerized network, and automatically notifies a project team leader of task completion status, overdue tasks, and tasks being ignored. Nevertheless, Swanke does not teach or suggest a software portal or method for project development within an enterprise, which notifies an individual with responsibility for the next phase of a project development process, upon completion of the previous phase, by automatically sending a message to the individual and informing the individual that the next phase can begin, as claimed.

Furthermore, Swanke does not teach or suggest a software portal or method for project development that determines a start date and end date for the next phase in the project development process, and automatically updates a schedule of the process with the start date and the end date for the next phase, as claimed.

These distinctions, as well as others, will be discussed in greater detail in the analyses of the pending claims that follow.

### **Response to Rejections under Section 112**

In the Final Office Action dated October 17, 2008, claims 2 and 3 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Final Office Action asserted that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. These rejections are respectfully traversed.

Specifically, the Final Office Action states:

The claims are directed to a requirements management system, a process modeling tool and a tactical project planning and management tool. It is not clear based on the specification, page 15, lines 1-7, that the Applicant has possession of the claimed invention including the five systems recited above. As disclosed in the specification, these features may be added in the future. Further, the claims are directed to a human resources data system, a billing system. These features were not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. (Underlining added for emphasis).

Final Office Action dated October 17, 2008, Page 4.

Contrary to the assertions made in the Final Office Action, claims 2 and 3 comply with the written description requirement of 35 U.S.C. § 112, first paragraph, because the subject matter of these claims was in the possession of the Applicants at the time this application was filed. Essentially, the Final Office Action incorrectly assumes that the cited “future enhancements” encompass the claimed invention. However, in the interest of expediting prosecution, the specification of the pending application has been amended as indicated above. The amendment does not constitute new matter, as support for the amendment may be found in claim 2 as originally filed. “It is well settled that the specification of an application may be corrected or implemented by matter contained in an original claim, and that such matter may form as much a part of the disclosure of an application as if it had appeared in the body of the specification.” (*Ex parte* Porter, 25 USPQ2d 1144, 1146 (B.P.A.I. 1992) (citing *In re* Anderson, 471 F.2d 1237, 176 USPQ 331 (C.C.P.A. 1973)).

Accordingly, for at least the reasons established above, Applicants respectfully submit that the subject matter of claims 2 and 3 complies with the written description requirement, and request that the rejection of claims 2 and 3 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Claims 3, 6, 7, 9, and 11 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Final Office Action asserted that it is not clear what is meant to be included and not included in the claims. Although, the Final Office Action states that claim 6 has been rejected, the Applicants believe that claim 5 was intended and the remarks are addressed as such. These rejections are respectfully traversed.

In this response, claims 3, 5, 7, and 11 have been further amended to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 9 has not been amended because Applicants respectfully assert that claim 9 is clear and definite as written. Claim 9 merely states that the actions identified in claim 8 include at least one of the actions enumerated in the list provided in claim 9. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 3, 6, 7, 9, and 11 under 35 U.S.C. § 112, second paragraph.

### **Response to Rejections under Section 103**

#### **Claim 1:**

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudson, et al., U.S. Patent No. 5,765,140 (“Knudson”) in view of Swanke, et al., U.S. Patent No. 7,212,987 (“Swanke”).

I. Knudson and Swanke do not teach or suggest determining a start date and an end date for the next phase in the project development process, and automatically updating a schedule of the project development process with the start date and end date for the next phase.

Claim 1 (as previously presented) recites, in part, “determining a start date and an end date for the next phase in the project development process, and automatically updating a schedule of the project development process with the start date and end date for the next phase.”

The Final Office Action admits that Knudson does not explicitly teach “determining a start date and an end date for the next phase in the project development process, and automatically updating a schedule of the project development process with the start date and end date for the next phase” as recited in claim 1 of the pending application. However, the Final Office Action alleges that Swanke cures the deficiency in Knudson in this regard stating (in pertinent part):

Knudson et al teaches assigning project tasks to available employees and contractors (column 2, lines 42-55) and also teaches monitoring project progress (column 7, lines 25-47), but does not explicitly teach determining an end of phase of the project development process; notifying at least one individual with responsibility for a next phase of the project development process, upon the completion of the previous phase within the project development process, by automatically sending a message to the at least one of the individuals with responsibility for the next phase in the project development process, the message informing the at least one individual that the next phase can begin; determining a start date and an end date for the next phase in the project development process; and automatically updating a scheduled of the project development process with the start and end date for the next phase. Swanke teaches automatically notifying resources of corresponding task responsibilities and associated due dates based on the project plan; the automatic notification takes place notifying the resources of additional tasks as prerequisite tasks are completed (column 2, lines 1-38). Swanke also teaches each task is entered along with normal start and end dates as well as any tasks that may gate the start of the task and any task that may be gated by the task (column 5, lines 4-15). Swanke teaches only allowing the start of a gated task once the prerequisite task is complete, therefore the start and end dates must be updated upon the completion of a prerequisite task (column 5, lines 4-58). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the notification that a project phase can begin in the system of Knudson et al since the claimed invention is merely a combination of old elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Final Office Action dated October 17, 2008, Pages 6 and 7.

Applicants respectfully submit that this assertion is incorrect.

In Swanke, the only end date that could be updated based upon the completion of the prerequisite task is the task that has just been completed, not the end date for the **next** phase in the project development process. The passage in Swanke referenced by the Final Office Action does not mention determining the “end date for the next phase in the project development process” nor does any other passage in Swanke do so. Since an end date for the next phase is not determined by



Swanke, it necessarily follows that Swanke does not (nor can it) teach or suggest “automatically updating a schedule of the project development process with the start date and the end date for the next phase.”

Furthermore, in Swanke, column 2, lines 1-38, the term “schedule” is mentioned only twice, but not in the context of the above-recited elements of claim 1. For example, in column 2, lines 14-16, Swanke discloses “The invention automatically schedules a meeting of all corresponding resources if a task becomes overdue.” Then, in column 2, lines 32-33, Swanke discloses “Changes in schedule can occur in a real time manner.” Clearly, within this disclosure, Swanke does not teach “determining a start date and an end date for the next phase in the project development process, and automatically updating a schedule of the project development process with the start date and end date for the next phase,” as claimed.

Furthermore, Swanke does not teach or suggest these elements of claim 1 anywhere else within column 2, lines 1-38. For example, in column 2, lines 2-20, Swanke discloses the following:

The invention automatically notifies the resources of corresponding task responsibilities and associated due dates based on the project plan through the use of encryption keys. The invention controls access to the design data through the use of the encryption keys assigned to the resources. The invention automatically monitors work being performed on the tasks through a computerized network and automatically notifies a project team leader of task completion status, overdue tasks, and tasks being ignored, based on the monitoring. The monitoring includes observing whether a resource is actively working on a task exclusively by observing network activity of the resource. The invention automatically schedules a meeting of all corresponding resources if a task becomes overdue. Further, the invention produces periodic status reports based on the monitoring. The invention automatically notifies the resources of additional tasks as prerequisite tasks are completed. The invention automatically searches for additional resources for tasks that are overdue.

As shown above, Swanke merely teaches notifying resources of due dates, monitoring work being performed, scheduling meetings of resources if tasks become overdue, producing periodic status reports, and the like. Clearly, in this section cited in the Final Office Action, Swanke does not teach or suggest “determining a start date and an end date for the next phase in the project development process, and automatically updating a schedule of the project development process with the start date and end date for the next phase,” as recited in claim 1. Also, the Applicants assert that a careful reading of the remainder of Swanke also does not teach or suggest these elements of claim 1.

II. Knudson and Swanke do not teach or suggest “phase.”

Claim 1 (as previously presented) recites “phase” in several places when referring to the project development process. The specification of the pending application in paragraph [0015] states that “[t]he EDP process typically comprises five phases: Define, Discover, Design, Develop, and Deploy. An optional sixth phase is a Demand phase that addresses feedback for long-term optimization.” The specification further states that “[t]he Discover phase refers to the processes that help discover functional and system requirements in support of business requirements.” (See Pending Application, paragraph [0018]). Clearly from these examples, “phase” as used in claim 1 of the pending application refers to something more than a task, but encompasses a significant segment of the project development process. Furthermore, it is clear that each phase is a segment of the project that includes multiple tasks that all may be grouped together as related functional processes (e.g., a design phase, a development phase, etc.). In contrast, neither Knudson nor Swanke teach or suggest “phase,” but discusses project development in terms of individual tasks. Individual tasks are smaller items that are easier to manage than a phase of the project that may include hundreds or thousands of individual tasks. A text search of Knudson and Swanke for the

strings “phase,” “segment,” and “section” produced no results. Thus, it is clear that Knudson and Swanke are directed to managing smaller individual tasks and are not concerned with nor capable of dealing with the much more elaborate and difficult task of managing complete phases of a project development process.

III. Knudson and Swanke do not teach or suggest notifying at least one individual with responsibility for a next phase of the project development process, upon the completion of the previous phase within the project development process, by automatically sending a message to the at least one of the individuals with responsibility for the next phase in the project development process, the message informing the at least one individual that the next phase can begin.

Claim 1 (as previously presented) recites, in part, “notifying at least one individual with responsibility for a next phase of the project development process, upon the completion of the previous phase within the project development process, by automatically sending a message to the at least one of the individuals with responsibility for the next phase in the project development process, the message informing the at least one individual that the next phase can begin.”

The Final Office Action admits that Knudson does not teach the above-recited elements of claim 1, but it asserts that Swanke cures the deficiencies of Knudson in that regard. However, Applicants respectfully disagree with that assertion for the following reasons.

For example, the Final Office Action relied on the following disclosure in column 2, lines 2-20 of Swanke to read on the above-recited elements of claim 1:

The invention automatically notifies the resources of corresponding task responsibilities and associated due dates based on the project plan through the use of encryption keys. The invention controls access to the design data through the use of the encryption keys assigned to the resources. The invention automatically monitors work being performed on the tasks through a computerized network

and automatically notifies a project team leader of task completion status, overdue tasks, and tasks being ignored, based on the monitoring. The monitoring includes observing whether a resource is actively working on a task exclusively by observing network activity of the resource. ...The invention automatically notifies the resources of additional tasks as prerequisite tasks are completed. The invention automatically searches for additional resources for tasks that are overdue. (Underlining added for emphasis.)

As shown above, Swanke merely teaches automatically notifying the resources that are performing the tasks of additional tasks they are to perform. Notably, Swanke distinguishes between its resources that perform the tasks, and its project team leader who is the “individual with **responsibility for** a next phase of the project development process” (Bold added for emphasis), as required by claim 1. As such, as shown above, Swanke does not teach or suggest “automatically sending a message to the at least one of the individuals with responsibility for the next phase in the project development process [e.g., Swanke’s project team leader], the message informing the at least one individual that the next phase can begin,” as claimed. More particularly, however, Swanke merely teaches “automatically notifying the resources of additional tasks,” but Swanke does not teach “informing the at least one individual that the next phase can begin,” which is also required by claim 1.

For at least the reasons established above in sections I-III, Applicants respectfully submit that independent claim 1 is not taught or suggested by Knudson in view of Swanke and respectfully request allowance of this claim.

#### **Claims depending from Claim 1:**

Claims 2-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudson in view of Swanke.

Dependent claims 2-7 depend directly or indirectly from independent claim 1 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in

sections I-III above, Applicants respectfully submit that claims 2-7 are not taught or suggested by Knudson and respectfully request allowance of these claims. Swanke does not cure the deficiencies of Knudson.

**Claim 8:**

Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudson in view of Swanke.

Claim 8 includes limitations substantially similar to the limitations discussed in sections I-III above. For example, claim 8 recites “determining a start date and an end date for the next phase in the project development process” and “automatically updating a schedule of the project development process with the start date and the end date for the next phase. Claim 8 also recites “upon the completion of a phase within the project development process, automatically sending a message to at least one individual with responsibility for the next phase in the project development process informing the at least one individual that the next phase can begin.” Accordingly, the arguments of section I-III are hereby repeated for claim 8.

Accordingly, for at least the reasons established in sections I-III above, Applicants respectfully submit that independent claim 8 is not taught or suggested by Knudson in view of Swanke and respectfully request allowance of this claim.

**Claims Depending from Claim 8:**

Claims 9-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudson in view of Swanke.

Dependent claims 9-12 depend directly or indirectly from independent claim 8 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in

sections I-III above, Applicants respectfully submit that claims 9-12 are not taught or suggested by Knudson and respectfully request allowance of these claims. Swanke does not cure the deficiencies of Knudson.

**Claim 13:**

Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudson in view of Swanke.

Claim 13 includes limitations substantially similar to the limitations discussed in sections I-III above. For example, claim 13 recites “upon the completion of a phase within the project development process, an action in the management of the progress of the project automatically sends a message to at least one individual with responsibility for the next phase in the project development process informing the at least one individual that the next phase can begin, a second action in the management of the progress of the project determines a start date and an end date for the next phase in the project development process, and a third action in the management of the progress of the project automatically updates a schedule of the project development process with the start date and the end date for the next phase.” Accordingly, the arguments of sections I-III are hereby repeated for claim 13.

For at least the reasons established in sections I-III above, Applicants respectfully submit that independent claim 13 is not taught or suggested by Knudson in view of Swanke and respectfully request allowance of this claim.

**Claims Depending from Claim 13:**

Claims 14-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudson in view of Swanke.

Dependent claims 14-17 depend directly or indirectly from independent claim 13 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I-III above, Applicants respectfully submit that claims 14-17 are not taught or suggested by Knudson and respectfully request allowance of these claims. Swanke does not cure the deficiencies of Knudson.

**Conclusion**

Applicants respectfully submit that the pending application is in condition for allowance for the reasons stated above. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, the Examiner is encouraged to telephone the undersigned at (972) 731-2288.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Respectfully submitted,

Date: December 17, 2008

/Michael W. Piper/

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